

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JOSEPH A. PALMISANO,	:	
RESPONDENT.	:	ORDER 0001984

Division of Enforcement Case No. 11 REB 092

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Joseph A. Palmisano
1620 Gabriel Dr., #4
Waukesha, WI 53188

Wisconsin Real Estate Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Real Estate Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Joseph A. Palmisano (dob 07/03/1969) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 94-73797, first issued on 11/16/2009 and current through 12/14/2012. Mr. Palmisano's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1620 Gabriel Dr., #4, Waukesha, WI 53188.

2. On or about September 14, 2011, the Department received a complaint alleging, in part, that Mr. Palmisano received an earnest money check and failed to deposit it into a trust account or timely return it to the payor. Division of Enforcement case number 11 REB 092 was subsequently opened for investigation.

3. In 2011, Mr. Palmisano co-listed a property at 1620 Gabriel Drive, Unit 4, Waukesha, WI 53188.

4. An offer was submitted to Mr. Palmisano with earnest money and subsequently accepted on the property, subject to short sale approval.

5. At the time of listing and accepted offer, Mr. Palmisano failed to disclose to the potential buyer or buyer's agent that the property was owned by his girlfriend and he was living in the property.

6. The purchase did not close because the offer came in after the property had been placed into foreclosure by the mortgage holder.

7. Mr. Palmisano never submitted the earnest money to his broker employer and ultimately, it wasn't returned to the payor until months later.

8. In resolution of this matter, Respondent Joseph A. Palmisano consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(1)(a) by failing to provide brokerage services honestly and fairly.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(1)(c) and Wis. Admin. Code § RL (now REEB) 24.07(2) by failing to disclose a material adverse fact.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(1)(f) and Wis. Admin. Code § RL (now REEB) 18.031(2) by failing to promptly submit real estate trust funds to his broker employer.

6. As a result of the above violations, Respondent Joseph A. Palmisano is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(h), (i), and (L).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of the Real Estate Salesperson license of Joseph A. Palmisano (license number 94-73797) is hereby ACCEPTED.

2. If Respondent ever seeks to reinstate his license or applies for any other credential regulated by the Department, then he shall pay the costs of investigating and prosecuting this matter, in the amount of \$422.00, before any such application may be considered. Payment of the costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

3. In the event that Respondent seeks to reinstate his license or applies for any other license with the Department, he shall submit a new application for licensure and meet all requirements for licensure then existing at the time of his request.

4. Should Respondent seek to reinstate his license or apply for any other real estate license, the Wisconsin Real Estate Examining Board may in its sole discretion determine whether, and under what circumstances, a license may be issued.

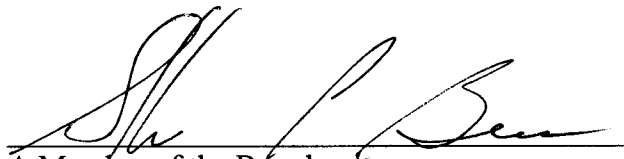
5. Respondent shall not practice real estate in the State of Wisconsin without being licensed in Wisconsin.

6. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

8-16-12
Date